



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/891,574

06/25/2001

Patrick L. Connor

042390P11397

3312

7590

12/15/2004

Lisa N. Benado
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

CHANG, RICHARD

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/891,574	Applicant(s) CONNOR, PATRICK L.	
	Examiner Richard Chang	Art Unit 2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,12,13,23,24 and 26 is/are rejected.
- 7) ☒ Claim(s) 3-11,14-22,25 and 27-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06/25/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 12-13 and 23-24 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US patent No. 5,699,519 ("Shiobara").

Regarding claims 1 and 12, Shiobara teaches a data transmission method and apparatus applicable to network system (a method and receiver station of controlling the order of processing packets) (See Fig. 2, Col 5, lines 64-66) comprising of

receiving the packet (1) by a signal receiving/inputting circuit (21) from another node (receiving packets from a network) (See Fig. 3, Col 6, lines 11-12),

deriving necessary data (identifying a property) from the packet (1) (for at least one of the packets) in a first recognition section (25) (See Fig. 3, Col 6, lines 16-18),

input to a priority control section (29) (associating a priority level) the data derived by the first recognition section 25 (based on the property with the at least one packet) (See Fig. 3, Col 6, lines 14-25),

input to an input queue section (23) (inserting the at least one packet into a first queue) (See Fig. 3, Col 6, lines 12-13), and

Art Unit: 2663

for each queue (23x), receiving packets (1) (processing the at least one packet) of different priority degrees in the order of lower priority in accordance with the instruction of the priority control section (29) (in an order based, at least in part, on the priority level) (See Fig. 3, Col 6, lines 40-44).

Regarding claims 2 and 13, Shiobara further teaches that the input queue section (23) has three queues (23a, 23b and 23c) of different processing priority classes (associating a priority level with ... second packet) (See Fig. 3, Col 4, lines 9-12).

Regarding claim 23, Shiobara further teaches that each of the host apparatus H#1-H#NN typically consists of a programmable controller or a computer for execution of control steps (a plurality of sequences of executable instructions, which, when executed by a processor... on the packet description) (See Fig. 2, Col 5, lines 37-40).

Regarding claim 24, Shiobara further teaches that the common control microcomputer (9) is constructed to perform those various control operations for the input section (2) (additional sequences of executable ... order for processing) (See Fig. 3, Col 8, lines 48-50).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2663

4. Claim 26 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by US patent No. 6, 404,772 ("Beach et al.").

Regarding claim 26, Beach et al. teach a method with the order of priority for a voice and data wireless communications network (a method for controlling the order of processing packets) (See Fig. 1, Col 4, lines 28-32) comprising of

receiving the packets from network (step 190) (See Fig. 12a, Col 13, lines 4-6),

determining whether the received packet is an acknowledge packet (step 196) (identifying an acknowledgment property packet) (See Fig. 12a, Col 13, lines 8-9),

associating the highest priority to received acknowledge packet than other packets (a high priority level to the acknowledgement packet) (See Col 8, lines 24-25),

placing the prioritized acknowledgement packets into a priority queue (206a),

placing the other packets into a priority queue (208a),

(See Fig. 12b, Col 13, lines 18-20)

selecting (removing) the acknowledgement packet from the priority queue (206a) before selecting (removing) the other packets from the at least one other queue (208a) (step 202) (See Fig. 12a, Col 13, lines 12-15), and

processing the acknowledgement packet before enabling transmission of the other packets (step 204) (See Fig. 12a, Col 13, lines 12-15)

Allowable Subject Matter

5. Claims 3-11, 14-22, 25 and 27-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all

Art Unit: 2663

of the limitations of the base claim and any intervening claims and if no art rejection can be applied.

Conclusion

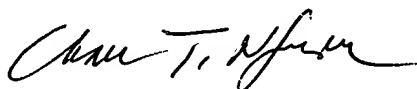
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Chang whose telephone number is (571) 272-3129. The examiner can normally be reached on Monday - Friday from 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RKC
rkc

Richard Chang
Patent Examiner
Art Unit 2663



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600